THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.23937 of 1997

Dated:09-03-2007

Between:

G.Thirmalaiah and ors.

…..PETITIONERS

AND

The Mandal Revenue Officer,
Diddhout Mandal, Cuddapah District and ors.
….RESPONDENTS

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.23937 of 1997

ORDER:

In this writ petition the petitioner seeks direction by way of Writ of Mandamus to declare the action of the respondents in not allowing the petitioner to cultivate the land bearing Sy.No.812/2 admeasuring Ac.4-21 cents situated at Peddapally village, Siddhout Mandal, Cuddapah District as illegal and arbitrary and to further direct the respondents not to cancel the assignment of land made to the petitioner.

It is the grievance of the petitioner that he was a landless poor person as such on his application enquiry was conducted and he was assigned an extent of Ac.4-21 cents of land in Sy.No.812/2 situated at Peddapally village, Siddhout Mandal, Cuddapah District in proceedings No.DKT/29/85 in the year 1986. It has been averred in the affidavit filed in support of the writ petition that though the petitioner is cultivating the land, without passing any orders, respondents have directed the petitioner not to cultivate the land.

Counter affidavit is filed on behalf of the respondents wherein it is stated that though assignment was made in favour of the petitioner, as much as he has violated the conditions of patta, orders dated 18-12-1996 were passed in proceedings No.B/160/96 cancelling the 'D' Form Patta.

The said aspect is not controverted by filing any reply affidavit.

As much as the patta granted to the petitioner is cancelled by order dated 18-12-1996 in proceedings B/160/96, if the petitioner is aggrieved, he can challenge the very said proceedings, if so, advised. But, at the same time, when the patta granted to the petitioner is already cancelled, it is not open for the petitioner to seek relief as prayed for in the writ petition without assailing the said order.

At the stage of admission, this court by order dated 23-9-1997 directed the respondents not to dispossess the petitioner and the said order continued all along. In that view of the matter, I dispose of the writ petition permitting the petitioner to question the order dated 18-12-1996 passed in Proceedings No.B/160/96 within a period of 8 weeks from the date of receipt of a copy of this order and the respondents are directed to maintain *status quo* with regard to possession of land as on today, for a period of 3 months from today. If any appeal is filed against the orders of cancellation of patta, it is open for the appellate authority to consider grant of any interim orders on its own merits. No order as to costs.

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(R.SUBHASH REDDY)

Date:09-03-2007
Grk

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